

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

MELVIN ELLIOTT,

Plaintiff,

Case. No. 2:19-cv-12049

v.

Hon. Nancy G. Edmunds

KYM WORTHY, et al.,

Defendants.

\_\_\_\_\_/

**ORDER SUMMARILY DISMISSING COMPLAINT**

Melvin Elliot filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983 on July 10, 2019. Plaintiff did not pay the required filing fee when he filed his complaint, nor did he submit an application to proceed without prepayment of fees and costs or an authorization to withdraw from the trust fund account. The Court issued an Order to Correct Deficiency on July 19, 2019, requiring Plaintiff to either pay the filing fee or submit a properly completed *in forma pauperis* application and authorization form. The order provided that if Plaintiff did not submit the fee or the IFP application within 30 days, his case could be dismissed.

Plaintiff has failed to apply to proceed *in forma pauperis* in the manner required by law and as explained in the July 19 Order of Deficiency. He has filed neither the required application nor the trust fund account statement. Plaintiff's application to proceed *in forma pauperis* is accordingly deficient. 28 U.S.C. § 1915(a)(1). The Court dismisses the complaint without prejudice for want of prosecution, because of Plaintiff's failure to comply

with the deficiency order. See *Erby v. Kula*, 113 F. App'x 74, 75-6 (6th Cir. 2004); *Davis v. United States*, 73 F. App'x 804, 805 (6th Cir. 2003).

Accordingly, Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE** for want of prosecution.

**SO ORDERED.**

s/ Nancy G. Edmunds  
NANCY G. EDMUNDS  
UNITED STATES DISTRICT JUDGE

Dated: September 25, 2019